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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Fifty-ninth session

Summary record of the 1263rd meeting
Held at the Palais des Nations, Geneva, on Friday, 31 October 2014, at 10 a.m.

Chairperson: Ms. Ameline

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Combined initial and second to third periodic reports of Solomon Islands

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second to third periodic reports of Solomon Islands (CEDAW/C/SLB/1-3; CEDAW/C/SLB/Q/1-3 and Add.1-3)

1. *At the invitation of the Chairperson, the delegation of Solomon Islands took places at the Committee table.*

2. **Ms. Sigimanu** (Solomon Islands) said that her delegation was honoured to participate in the State party's first constructive dialogue with the Committee. The process used to prepare the report had been consultative and inclusive; it had been overseen by the Solomon Islands National Advisory Committee on CEDAW, which was a 21-member body made up of representatives of Government, civil society and key development partners. The State party had also received support from UN-Women, which had assisted in the preparation of the report and in making it possible for two members of the delegation to attend the constructive dialogue with the Committee.

3. With regard to the forthcoming parliamentary elections in her country, only 26 women, representing 6 per cent of the total number of registered candidates, had registered to contest a seat. Women's low participation in political office was a reflection of the way society in Solomon Islands perceived the role of women in leadership and decision-making positions. The Political Parties Integrity Act 2014, providing for a 10 per cent quota for women in all registered political parties, had been adopted as one way of addressing women's underrepresentation in political office. The Act also provided a sizeable monetary incentive to parties whose women candidates were elected to office.

4. In terms of policies and programmes, the Government had recently adopted a manual whose aim was to standardize the way in which gender-based violence was addressed and prevented. It had formulated a national strategy on the economic empowerment of women and girls, and in the area of human rights, it had established a national steering committee for monitoring action taken in response to recommendations by States under the universal periodic review process.

5. On the subject of gender mainstreaming, the establishment of 24 gender focal points within all government ministries had been hailed as a good practice in the Pacific region. It represented a key step towards increasing gender-responsive planning and programming and the influence of the national women's machinery on policy and legislative reform.

6. At the regional level, Solomon Islands had signed a comprehensive agreement among Pacific Island Forum leaders to commit to the implementation of the Convention and to other international and regional instruments. Among the other international commitments undertaken by Solomon Islands were the Beijing Platform for Action, the Commonwealth Plan of Action for Gender Equality 2005–2015 and United Nations Security Council resolution 1325 (2000). All international commitments undertaken by Solomon Islands were translated into the national gender equality policy framework.

7. As part of the current constitutional reform and in keeping with the Convention, the Government was planning the establishment of a national human rights commission. In the meantime, however, it continued to strengthen the work of the existing bodies entrusted with the promotion of human rights, including the Office of the Ombudsman and the Leadership Code Commission. Human rights treaties had to be incorporated into national laws in order to produce their effects, and they could therefore not be invoked before, or directly enforced by, the courts.

8. The Government was currently taking a two-pronged approach to amending its legislation in order to bring it into conformity with the Convention: the first was through a review of the Constitution, and the second was through a piecemeal review of legislation. In both cases, the review was followed by the formulation of recommended amendments. In 2004, following the 1999–2003 period of ethnic conflicts in Solomon Islands, the Government had begun to explore a shift from a unitary system of government to a federal one, and had accordingly begun drafting a federal constitution. A major challenge in that endeavour was the complex relationship that existed between customary law and the current Constitution and other national laws. The societies making up Solomon Islands were still deeply influenced by custom, and approximately 80 per cent of the population lived in rural areas. The Constitution gave legal status to customary law as part of the law of Solomon Islands, except where it was inconsistent with the Constitution. However, there was no provision in the Constitution that gave precedence to national law over customary law in matters concerning equality in the event of a conflict between them. Thus, the conflict between the constitutional guarantee of equality contained in section 15 of the Constitution and customary law pursuant to schedule 3 had given rise to a certain degree of uncertainty. The State was in the process of exploring ways in which customary and formal law could co-exist while at the same time coming closer to meeting the standards contained in the Convention.

9. Among the important laws adopted by the National Parliament in order to fulfil the obligations of Solomon Islands under the Convention was the Family Protection Act 2014, which provided for the punishment of domestic violence, in keeping with international best practices, by a fine or imprisonment for a term of 3 years, or both. The Act covered physical, sexual, psychological and economic abuse and defined domestic violence as including the acts of stalking, harassment, ridicule and obsessive possessiveness, which were not defined as such in the Penal Code or any other national legislation. The Act empowered the police to issue a police safety notice for the protection of a victim; it also provided for the issuance of court protection orders and for the establishment of a fund to support victims or survivors of domestic violence. One of its key features was that a defendant who had paid an amount of money as customary compensation for having committed an act of domestic violence could not use such payment as part of his or her defence.

10. Other legislative provisions that had recently been amended included those of the Correctional Services Act 2007 and the Police Act 2013, which no longer contained discriminatory provisions relating to marriage, pregnancy or gender, and the Evidence Act 2009, which abolished the legal requirement to prove lack of consent in sexual assault cases, and amended the provision relating to the plaintiff's previous sexual conduct in order to limit its admissibility in court. The Cabinet had approved the preparation of a draft bill for amendments to the Penal Code concerning sex offences, which was a key step towards having strong and effective laws on such offences in the State party.

11. The Government relied on a number of approaches and strategies for implementing the Convention, including gender mainstreaming, the development of partnerships and networking, awareness-raising, advocacy and training. It acknowledged the need for access to reliable sex-disaggregated data and other information from all sectors as a prerequisite for monitoring and evaluating the effectiveness of gender mainstreaming efforts. It also acknowledged the important role of the media in raising awareness of gender equality and women's rights, and the media received training in avoiding negative portrayals of women and in supporting the promotion of women in leadership and decision-making roles. Additional efforts to promote awareness of women's rights were carried out by the Government each year during International Women's Day and the 16 Days of Activism against Gender Violence campaign, which were celebrated at both the national and provincial levels.

12. As part of its efforts to improve access to justice, the Government was providing technical support to and creating more public service jobs in the Public Solicitor's Office, the Office of the Public Prosecutor and the police. The Public Solicitor's Office, which provided legal aid, had expanded to the provincial level, and the Family Protection Unit that was set up under its authority provided access to legal services for women. Ultimately, it was the traditional justice system that played the most important role and had the strongest influence in providing access to justice at the rural level.

13. The conflict, or "ethnic tensions", that had arisen from 1999 to 2003 had resulted in the need for considerable rebuilding of state institutions, mechanisms and processes. One of the biggest challenges facing the Government was providing services to rural women in remote or isolated locations. To that was added the fact that the whole concept of gender was quite new to Solomon Islanders. In the context of those challenges, the key areas of the Government's focus were women's health, education, economic status and leadership, as well as gender mainstreaming and the prevention of violence against women. Achievements in the education sector, for example, included plans for remedial education to pregnant girls who had left school, scholarships for girls and the requirement to include reproductive health in primary and secondary school curricula.

Articles 1 and 2

14. **Ms. Šimonović** said that the report had clearly elaborated all of the key issues concerning the State party's implementation of the Convention and had provided valuable information on the situation of women in Solomon Islands. It was essential for the contents of the report to be made known to all parliamentarians, the vast majority of whom were men. As acknowledged in the report, the provisions of the Constitution were not fully consistent with those of the Convention, in particular as they related to the definition of discrimination contained in article 1. She asked whether a timetable had been established for the completion of the constitutional law reform process and the review of national legislation. She enquired as to whether the Government had any plans to enact separate anti-discrimination legislation.

15. The report of the Truth and Reconciliation Commission acknowledged that there was a wide gap between indigenous persons' perceptions of the role of women and the justice to which they were entitled, on the one hand, and international human rights standards, on the other. She wished to know how the Government planned to address that gap. What information could the delegation provide on women who had been subjected to sexual violence during and after the ethnic tensions and on the forms of redress they had received? How did the Government plan to improve access to justice for women in remote areas?

16. **Ms. Bareiro-Bobadilla** said that the right to truth was essential when dealing with situations of previous conflict, and the Government should therefore officially publicize the findings of the investigation carried out by the Truth and Reconciliation Commission. On the basis of those findings, it should develop public policies on the forms of support and redress to be provided to women victims, including psychological rehabilitation, symbolic measures and financial compensation.

17. **Ms. Sigimanu** (Solomon Islands) said that the Cabinet was responsible for the ratification of human rights instruments but that Parliament also played an important role in the process. The Minister of Women, Youth, Children and Family Affairs had chaired the Special Select Committee that had been tasked with reviewing the final draft of the State party's report and was responsible for keeping parliamentarians apprised of progress made with regard to the implementation of the Convention. However, more needed to be done to ensure that parliamentarians were fully aware of the provisions of the Convention and information on the Convention was disseminated to remote areas of the country.

18. **Ms. Kenilorea-Hanu** (Solomon Islands) said that consultations concerning the draft federal constitution had been in progress for some time, and with each draft revision, the definition of discrimination set out in it came closer to being in line with the one in article 1 of the Convention. There was no current plan to formulate separate anti-discrimination legislation; rather, the approach being taken was for the Law Reform Commission to review individual pieces of national legislation in order to update them and bring them into line with the Convention. The Family Protection Act 2014 had been formulated in response to the Committee's general recommendation No. 19 on violence against women, and was considered a milestone achievement and the first of its kind. The delegation would welcome any recommendations or guidance from the Committee on how to go about developing stand-alone anti-discrimination legislation.

19. **Ms. Gapirongo** (Solomon Islands) said that there was no clear timetable for the completion of the current constitutional reform or that of the review of legislation being carried out by the Law Reform Commission. However, the Government was seeking to fill the post of Chairman of the Law Reform Commission, whose appointment was expected to give further direction and impetus to the process, in particular with regard to the review of the Penal Code and the Criminal Procedure Code.

20. Both the Constitution and Criminal Procedure Code allowed for the provision of redress to victims of domestic violence, as did the Family Protection Act 2014, which established guidelines to assist the Courts in determining compensation. The Government acknowledged that many women had been subjected to violence and sexual abuse during the period of ethnic tensions that had lasted from 1999 to 2003. The Director of Public Prosecutions was still prosecuting a number of cases related to that period, and a High Court judge had recently been appointed for the specific purpose of expediting them.

21. **Ms. Šimonović** asked whether the Government had adopted a clear position on the advisability of repealing section 15 of the Constitution. She requested information on how the Government was proceeding with the findings of the investigation of the Truth and Reconciliation Commission. Had women victims who had presented their stories during that process obtained redress for the offences committed against them during the ethnic tensions? How many persons had been prosecuted for crimes committed during that period?

22. **Ms. Bareiro-Bobadilla** said that Parliament had the obligation, under article 2 of the Convention, to adopt appropriate legislative measures to prohibit all discrimination against women and to modify or abolish existing laws, regulations, customs and practices that constituted discrimination against women.

23. **Ms. Pires** asked whether a timetable had been set for the establishment of a human rights commission and whether the Ombudsman was empowered to receive complaints regarding violations of women's rights.

24. **Ms. Sigimanu** (Solomon Islands) said that a fine balance had been struck between customary law and the Constitution. Customary law was the norm for the majority of the population, who lived in rural areas. The fact that the Cabinet was responsible for the ratification of human rights instruments did not impair Parliament's lawmaking powers, which included final approval of any laws that gave effect to international instruments, including the Convention.

25. The current review of the Constitution had taken into account the need to establish a human rights commission, but it was difficult to predict the precise date on which that would occur, owing to a variety of constraints, as well as to the competing priorities of the law reform itself. She fully recognized the importance of ensuring broad public consultation on the draft federal constitution, and she was hopeful that the process was nearing completion.

26. **Ms. Devesi** (Solomon Islands) said that no data had been collected on the number of women victims of the ethnic conflict. A number of services had been made available to such victims, including counselling and rehabilitation, but to date no compensation had been awarded to them by the courts. Local women's groups had played a major role in the peacebuilding process and had actively participated in the preparation of the Solomon Islands Truth and Reconciliation Commission report. The Government had introduced a national action plan on women, peace and security in formal recognition of women's suffering during the ethnic violence and their role in the peace process, but recognized that further support and redress was required for women victims.

27. **Ms. Pires** asked the delegation to provide further information on the structure, strategy, and technical capacity of the Women's Development Division, including data on the number of women in the Division and their positions, and on the monitoring mechanisms in place to assess the impact of its initiatives. She also asked what proportion of the budget of the Ministry of Women, Youth and Children's Affairs had been allocated to the Division. Lastly, she wished to know what efforts had been made to coordinate the activities of the various mechanisms established under the national gender machinery so as to ensure the uniform implementation of gender equality policies in all provinces.

28. **The Chairperson**, speaking in her capacity as an expert, asked whether the Government had considered using the latest communication technology to overcome the geographical challenges hindering the uniform implementation of gender policies in all areas of the country.

29. **Ms. Sigimanu** (Solomon Islands) said that the introduction of better mobile telephone and Internet coverage in the country had allowed for greater cooperation and communication between the Women's Development Division and the women's focal points at provincial level. In regard to the structure of the national gender machinery, the Women's Development Division came under the Ministry of Women, Youth and Children's Affairs and had wide scope for influencing policy. It comprised nine members of staff: four high-level officials, four community development officers and one research officer. The National Steering Committee was responsible for monitoring and evaluating the impact of the National Policy on Gender Equality and Women's Development and the National Policy on Eliminating Violence against Women. The Division's community development officers were responsible for implementing the provisions of the National Policy on Gender Equality and Women's Development at provincial level. Steps had also been taken to establish closer links with the regional authorities and promote the gender mainstreaming of all national and regional policies. As for the financial and technical capacity of the national gender machinery, the Ministry of Women, Youth and Children's Affairs received a mere 6 per cent of the overall national budget, 22 per cent of which was allocated to the activities of the Women's Development Division. The Division's financial resources did not enable it to fulfil its mandate and failed to allow it to address the needs of the female population, particularly women living in remote and rural areas.

30. The Government recognized the importance of sex-disaggregated data and had taken a number of steps to collect the requisite information, such as conducting a gender analysis of the 2009 census data in collaboration with the National Statistics Office and arranging a country gender assessment. There were also plans to launch a gender statistics initiative with a view to collecting the necessary sex-disaggregated data required for effective policy development. As for strengthening the monitoring and evaluation mechanisms of the national gender machinery, the Government had requested technical assistance from the Australian Agency for International Development in an effort to address weaknesses and gaps in national oversight capacity. It also intended to carry out a review of the National Policy on Gender Equality and Women's Development in 2015, which would take into account the Committee's recommendations and guidance.

Articles 3 to 5

31. **Ms. Neubauer**, noting the recent parliamentary opposition to the policy paper on reserved seats for women in Government, asked whether the Women's Development Division, which had been responsible for submitting the policy paper, had cited article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 in its arguments for temporary special measures. She also wished to know whether the Government intended to adopt temporary special measures in other areas of public and political life, including education and employment, particularly for the most disadvantaged groups of women, such as rural women and women with disabilities.

32. **Ms. Sigimanu** (Solomon Islands) said that the Government remained committed to adopting special temporary measures to accelerate de facto equality between men and women and noted that the policy paper on reserved seats for women in the Government advocated an increase in the percentage of women in Parliament to a minimum of 10 per cent. However, persisting traditional patriarchal attitudes in society had hampered efforts to introduce such measures and to extend them to other areas of public and political life. Greater efforts would, consequently, be required to change cultural norms and fully implement article 4, paragraph 1, of the Convention.

33. **Mr. Rodie** (Solomon Islands) said that the national school scholarship programme, due to commence in 2015, provided for temporary special measures for girls. Fifty per cent of all scholarships under the programme would be awarded to female students. The Government remained committed to promoting gender equality in schools and had taken a series of measures to promote and encourage the enrolment of women in traditionally male-dominated university programmes.

34. **Ms. Gabr** asked whether the State party had taken concrete steps to combat discriminatory traditional stereotypes and eliminate harmful practices that impeded women's full enjoyment of their human rights in social, economic and political spheres as well as in family relations. She requested information on measures and mechanisms at the national and provincial levels to eliminate discriminatory practices against women, such as the payment of dowries, early marriage, traditional forms of inherited male leadership and the prevalence of men in customary land management. She also wished to know what steps had been taken under the National Policy on Eliminating Violence against Women to combat the high level of acceptance of violence against women in society and to raise awareness of violence against women and their right to access to justice and compensation. Lastly, she asked whether the State party provided shelters for women victims of domestic violence and, if so, whether measures had been adopted to ensure that women with disabilities could also access such facilities.

35. **Ms. Sigimanu** (Solomon Islands) said that the National Policy on Eliminating Violence against Women provided for awareness-raising activities and would help to build national protection capacities. There was currently one church-run national shelter for women victims of domestic violence. The Government recognized that the financial and technical capacity of the shelter was inadequate and had taken steps to provide it with additional financial resources. The Ministry of Women, Youth and Children's Affairs had also devised standard operating procedures and referral guidelines for stakeholders involved in caring for and supporting women victims of violence. Similarly, the Government had developed a national disability policy and had begun to assess how best to provide for women victims of violence with disabilities.

36. **Mr. Rodie** (Solomon Islands) said that education was considered a key tool in the efforts to change social attitudes and stereotypes. The national curriculum provided a framework within which children could be guided to the necessary awareness but the process demanded time and investment.

37. **Ms. Kenilorea-Hanu** (Solomon Islands) said that she recognized that legislation could only be effective if there was public awareness and support for the law. The Family Protection Act contained a new definition of domestic violence and recognized the Convention, as well as the Convention on the Rights of the Child, but advice from the Committee on responding to public perceptions and stereotypes would be welcome.

38. **Ms. Gapirongo** (Solomon Islands) said that the needs of women with disabilities in rural areas were addressed by officers of the Ministry of Health and Medical Services under a community-based rehabilitation programme, who worked in the provinces together with nurses and midwives. Communication could be a problem at times, as in the case of deaf persons, but family members conversant with sign language were usually able to interpret.

39. **Ms. Devesi** (Solomon Islands) said that, although the national women's machinery itself had difficulties in reaching rural areas, the Government collaborated closely with civil society organizations working in rural communities in trying to raise public awareness of the unacceptability of violence against women. Furthermore, the implementation strategy for the new Act included training programmes for such organizations and other key stakeholders.

40. **Ms. Pires** asked whether specific measures were being taken to address the underreporting of domestic violence due to the fear of stigmatization. She said that a survey of perceptions of corruption had found that over 50 per cent of respondents considered the police to be corrupt and other sources reported that police officers did not respond to reports of domestic violence. Those views might contribute to women's reluctance to report cases.

41. **The Chairperson**, speaking in her capacity as an expert, said that emphasis should be put on the need for the police and the judiciary to work coherently together if the legislation were to serve its purpose.

42. **Ms. Šimonović**, referring to the High Court's interpretation that all customary laws could be exempted from the non-discrimination provision of the Constitution, asked how the Government intended to resolve that contradiction.

43. **Ms. Sigimanu** (Solomon Islands) said that survivors or victims of violence could turn to the Safenet referral network which now had standard operating procedures for all the participating organizations. Corruption was acknowledged as a problem in general, but there were other factors, such as the sex of the police officer, that might also influence reporting rates. Under the new Family Protection Act, police officers would receive training, including on gender issues, but women should also be made aware that the police were there to help them and that violence against women was a crime that should not be condoned.

44. **Ms. Kohat** (Solomon Islands) said that data on domestic violence were being collected by all relevant service providers. An internal investigation unit within the police force was working to combat corruption, and that would hopefully have an impact on the underreporting of domestic violence. Training on the new legislation, funded by the Governments of Australia and New Zealand, was being provided to the police and the judiciary, as well as NGOs and other stakeholders, but there was clearly still a need for more awareness-raising.

Article 6

45. **Ms. Leinarte**, noting that the country had not yet ratified any of the major treaties dealing with human trafficking, that the immigration bill was still pending and that current penalties for trafficking were very light, asked when the bill would enter into force. She welcomed the fact that awareness-raising workshops were being conducted near to logging

camps and asked about the results of a survey of public perceptions. Noting that a 2006 study by the United Nations Children's Fund had shown that girls as young as 11 were exploited in logging areas, that sex tourism was not against the law, and that, although attempts had been made recently to change the situation, women involved in prostitution could still be prosecuted, she asked whether penalties could be imposed on clients. She would welcome information on training for prosecutors and police officers in the use of the 2012 Government handbook on human trafficking. Did the Trafficking in Persons Advisory Committee under the Ministry of Commerce, Industry, Labour and Immigration provide assistance for victims of trafficking and did the shelter for victims of domestic violence also accept trafficking victims?

46. **Ms. Kenilorea-Hanu** (Solomon Islands) said that the Immigration Act had entered into force on 4 August 2014 and that a bill containing amendments to the Adoption Act, aimed at preventing possible cases of human trafficking, was pending.

47. **Ms. Gapirongo** (Solomon Islands) said that the Law Reform Commission's report on sexual offences had recommended amendments to the Penal Code to stiffen penalties and to provide greater protection for children. The Commission would also look at the issue of sex tourism with a view to its criminalization, as well as penalties for those who use the services of prostitutes.

48. **Ms. Devesi** (Solomon Islands) said that the survey conducted by the Solomon Islands Christian Association Federation of Women had revealed generally low levels of knowledge in respect of human trafficking among the public and even among prosecutors, although the seriousness of the issue was recognized. Awareness-raising work was being done with the media, especially through the American Bar Association's anti-trafficking Programme. The Ministry's advisory committee had a technical team that provided advice and assistance to victims and a technical committee that worked to raise awareness and foster an appropriate response from both the police and civil society. It was also responsible for collecting and collating research and data, advocacy for the signing of the international treaties and the provision of training for prosecutorial staff and other key stakeholders.

49. **Ms. Leinarte** asked whether Parliament was discussing acceding to the international treaties on trafficking in persons, if victims had access to shelter and counselling and what was being done to address the demand side of prostitution.

50. **Ms. Devesi** (Solomon Islands) said that the Safenet referral network, which included the police, the Christian Care Centre and the Family Support Network, could be accessed by victims of trafficking.

51. **Ms. Kenilorea-Hanu** (Solomon Islands) said that the Law Reform Commission's report had recommended that clients of child prostitution should be prosecuted. It had not pronounced on adult prostitution but that would be covered by the review of the Penal Code. One of the outcomes of the universal periodic review process had been the recommendation that Solomon Islands should accede to the international treaties; a proposal to that end would probably be put before Parliament.

Articles 7 and 8

52. **Ms. Zou** Xiaoqiao asked whether the State party had plans to introduce legislative provisions to increase women's representation in elected and appointed positions by establishing minimum quotas in terms not only of candidates but also of seats. Noting that some NGOs had organized training programmes to help women enter public life, she asked whether the Government intended to collaborate with them in that respect. She welcomed the Government's allocation of SI$ 200,000 to support women candidates in the forthcoming election and asked how it intended to prevent corruption and bribery of voters so that women candidates would have the same opportunities as men. She welcomed the

adoption of the Political Parties Integrity Act but asked whether it was being effectively implemented and if there were penalties for parties that failed to reserve for women the required 10 per cent of the total number of candidates selected and endorsed to contest an election.

The meeting rose at 1 p.m.